Annex 2

Glossary of Terms

Complaint

A complaint is a specific allegation against an organisation, or staff of the organisation, for any wrong doing or defective decision / action which affects and aggrieves the complainant either personally as an individual or collectively as a body corporate.

Direct Investigation

This refers to an investigation initiated under section 7(1) of The Ombudsman Ordinance in the absence of a complaint.

Direct Investigation Assessment

This refers to the examination of an issue in the public interest or of community concern which has been identified as a potential subject for direct investigation. The assessment includes collection of background information, appraisal of the extent of public concern and consideration of the remedial actions by the relevant authorities.

Discontinuation of Complaint

This refers to The Ombudsman not pursuing a complaint in accordance with section 10(2) of The Ombudsman Ordinance because:

(a) the complaint has previously been investigated and found unsubstantiated;

(b) the subject matter of the complaint is trivial;

(c) the complaint is frivolous, vexatious or is not made in good faith; or

(d) investigation or further investigation is deemed unnecessary.

Enquiry

An enquiry is a request for information or advice. It is *not* a complaint.

Full Investigation

This refers to an investigation initiated under section 7(1) of The Ombudsman Ordinance upon receipt of a complaint.

Glossary of Terms

Incapable of Determination

This refers to the situation where, at the end of an investigation, no conclusion can be drawn on a complaint because the evidence is conflicting, irreconcilable, incomplete or lacking in corroboration from independent witnesses. In short, the case is inconclusive.

Internal Complaint Handling Programme (INCH)

This refers to a form of preliminary inquiry whereby, with the consent of the complainant, a simple case is referred to the organisation concerned for investigation and reply direct to the complainant, with a copy to The Ombudsman. In such cases, The Ombudsman may request the organisation to provide specific information in its reply, monitors the process and scrutinises the reply, intervening where the reply is not satisfactory.

Investigation

This refers to an investigation under section 7(1) of The Ombudsman Ordinance. This may be a full investigation into a complaint or a direct investigation without a complaint.

Maladministration

"Maladministration" is defined in section 2 of The Ombudsman Ordinance. Basically, it means bad, inefficient or improper administration and includes: unreasonable conduct; abuse of power or authority; unreasonable, unjust, oppressive or improperly discriminatory procedures and delay; discourtesy and lack of consideration action for an affected person.

Mediation

This refers to a voluntary process carried out under section 11B of The Ombudsman Ordinance where the complainant and representative of the organisation concerned agree to meet to explore a mutually acceptable solution to a problem. Investigators from this Office act as impartial facilitators of the dialogue.

Outside Jurisdiction

This refers to the situation where an action is not subject to investigation by The Ombudsman by reason of section 8 read with Schedule 2 to The Ombudsman Ordinance.

Annex 2

Glossary of Terms

Partially Substantiated

This refers to the degree to which an action / inaction / decision under complaint is found, at the end of an investigation, to be within the meaning of "maladministration" as defined in section 2 of The Ombudsman Ordinance. If maladministration is found in only one or some of the aspects, the complaint would be partially substantiated.

Potential Complaint

This refers to an anonymous complaint or a complaint addressed to an organisation and only copied to The Ombudsman. Such cases are regarded as not meant for action at all or for the time being. However, The Ombudsman may intervene if the organisation concerned fails to follow up appropriately.

Preliminary Inquiries

These refer to inquiries conducted under section 11A of The Ombudsman Ordinance for the purposes of determining whether a full investigation should be conducted.

Rendering Assistance / Clarification (RAC)

This refers to a form of preliminary inquiry under which this Office collects all the facts from the organisation under complaint. If the facts fully explain the matter under complaint, the findings and observations will be presented to the complainant, with suggestions to the organisation concerned on remedial action and improvement, where appropriate. If further action is called for, a full investigation will be conducted.

Restrictions on Investigation

These refer to restrictions on investigation as set out in section 10 of The Ombudsman Ordinance.

Substantiated

This refers to the degree to which the action / inaction / decision under complaint is found, at the end of an investigation, to be within the meaning of "maladministration" as defined in section 2 of The Ombudsman Ordinance. If all aspects taken together show that there is maladministration, the complaint would be substantiated.

Annex 2

Glossary of Terms

Substantiated other than Alleged

This refers to the situation where The Ombudsman finds the complainant's allegations to be unsubstantiated but in the course of investigation, discovers other aspects of significant maladministration. In such a case, The Ombudsman will criticise those other deficiencies, even in the absence of a specific complaint on those points, and conclude the case as substantiated other than alleged.

Unsubstantiated

This refers to the degree to which the action / inaction / decision under complaint is found, at the end of an investigation, to be within the meaning of "maladministration" as defined in section 2 of The Ombudsman Ordinance. If no maladministration is found, the complaint would be unsubstantiated.

Withdrawal of Complaint

This refers to a complainant voluntarily withdrawing a case. However, The Ombudsman may decide to continue the investigation if the nature or gravity of the complaint should so warrant.